

AO 440 (Rev. 05/00) Summons in a Civil Action

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

SUMMONS IN A CIVIL CASE

GENERAL ELECTRIC CAPITAL
CORPORATION,

Plaintiff

V.

JAMES S. KOENIG, an individual, and ASSET
REAL ESTATE & INVESTMENT
COMPANY, a California corporation,

CASE NUMBER:

08 C 1199

ASSIGNED JUDGE:

DESIGNATED
MAGISTRATE JUDGE:

**JUDGE LEFKOW
MAGISTRATE JUDGE MASON**

TO: (Name and address of Defendant)

Asset Real Estate & Investment Company
443 Redcliff Drive
Suite 100
Redding, California 96002

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Timothy J. Rivelli
WINSTON & STRAWN LLP
35 W. Wacker Drive, Suite 4200
Chicago, Illinois 60601

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

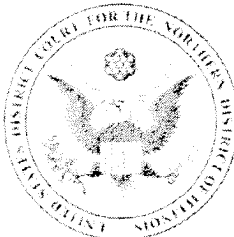
Michael W. Dobbins, Clerk

Amya Ellis

(By) DEPUTY CLERK

February 28, 2008

Date



WINSTON & STRAWN LLP
 Timothy J. Rivelli, Esq.
 35 West Wacker Drive, Suite 4200
 Chicago, Illinois 60601
 Tel. No.: (312) 558-5600
 Fax No.: (312) 558-5700

Attorney(s) for: Plaintiff

**UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA**

GENERAL ELECTRIC CAPITAL CORPORATION,
 Plaintiff(s)

v.

JAMES S. KOENIG, an individual, et al.,
 Defendant(s)

CASE NUMBER:

08 C 1199

**PROOF OF SERVICE
 SUMMONS AND COMPLAINT**

(Use separate proof of service for each person/party served)

1. At the time of service I was at least 18 years of age and not a party to this action and **I served** copies of the *(specify documents)*:
 - a. ☒ summons ☒ complaint ☐ alias summons ☐ first amended complaint
☐ second amended complaint
☐ third amended complaint
 - ☒ other *(specify)*: SEE ATTACHED LIST
2. **Person served:**
 - a. ☒ Defendant *(name)*: Asset Real Estate & Investment Company, a California
 - b. ☒ Other *(specify name and title or relationship to the party/business named)*:
 CSC Lawyers Incorporating Service by serving Becky De George
 - c. ☒ Address where papers were served: 2730 Gateway Oaks Dr., #100, Sacramento, CA 95833
3. **Manner of Service** in compliance with *(the appropriate box must be checked)*:
 - a. ☒ Federal Rules of Civil Procedure
 - b. ☐ California Code of Civil Procedure
4. **I served** the person named in Item 2:
 - a. ☒ By **Personal service**. By personally delivering copies. If the person is a minor, by leaving copies with a parent, guardian, conservator or similar fiduciary and to the minor if at least twelve (12) years of age.
 1. ☒ **Papers were served on** *(date)*: 03/03/08 at *(time)*: 12:34 p.m.
 - b. ☐ By **Substituted service**. By leaving copies:
 1. ☐ **(home)** at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household, at least 18 years of age, who was informed of the general nature of the papers.
 2. ☐ **(business)** or a person apparently in charge of the office of place of business, at least 18 years of age, who was informed of the general nature of the papers.
 3. ☐ **Papers were served on** *(date)*: _____ at *(time)*: _____
 4. ☐ **by mailing** *(by first-class mail, postage prepaid)* copies to the person served in Item 2(b) at the place where the copies were left in Item 2(c).
 5. ☐ **papers were mailed on** *(date)*: _____
 6. ☐ **due diligence**. I made at least three (3) attempts to personally serve the defendant.

PROOF OF SERVICE - SUMMONS AND COMPLAINT

- c. ☐ **Mail and acknowledgment of service.** By mailing (*by first-class mail or airmail, postage prepaid*) copies to the person served, with two (2) copies of the form of Waiver of Service of Summons and Complaint and a return envelope, postage prepaid addressed to the sender. (**Attach completed Waiver of Service of Summons and Complaint**).
- d. ☐ **Service on domestic corporation, unincorporated association (including partnership), or public entity. (F.R.Civ.P. 4(h)) (C.C.P. 416.10)** By delivering, during usual business hours, a copy of the summons and complaint to an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process and, if the agent is one authorized by statute and the statute so requires, by also mailing, by first-class mail, postage prepaid, a copy to the defendant.
- e. ☐ **Substituted service on domestic corporation, unincorporated association (including partnership), or public entity. (C.C.P. 415.20 only)** By leaving during usual office hours, a copy of the summons and complaint in the office of the person served with the person who apparently was in charge and thereafter by mailing (*by first-class mail, postage prepaid*) copies to the persons at the place where the copies were left in full compliance with C.C.P. 415.20. Substitute service upon the California Secretary of State requires a court order. (**Attach a copy of the order to this Proof of Service**).
- f. ☐ **Service on a foreign corporation.** In any manner prescribed for individuals by FRCP 4(f).
- g. ☐ **Certified or registered mail service.** By mailing to an address outside California (*by first-class mail, postage prepaid, requiring a return receipt*) copies to the person served. (**Attach signed return receipt or other evidence of actual receipt by the person served**).
- h. ☐ **Other** (specify code section and type of service):
5. Service upon the **United States, and Its Agencies, Corporations or Officers.**
- a. ☐ by delivering a copy of the summons and complaint to the clerical employee designated by the U.S. Attorney authorized to accept service, pursuant to the procedures for the Office of the U.S. Attorney for acceptance of service, or by sending a copy of the summons and complaint by registered or certified mail addressed to the civil process clerk at the U.S. Attorneys Office.
- Name of person served:
- Title of person served:
- Date and time of service: (date): _____ at (time): _____
- b. ☐ By sending a copy of the summons and complaint by registered or certified mail to the Attorney General of the United States at Washington, D.C. (**Attach signed return receipt or other evidence of actual receipt by the person served**).
- c. ☐ By sending a copy of the summons and complaint by registered or certified mail to the officer, agency or corporation (**Attach signed return receipt or other evidence of actual receipt by the person served**).
6. At the time of service I was at least 18 years of age and not a party to this action.
7. Person serving (*name, address and telephone number*):

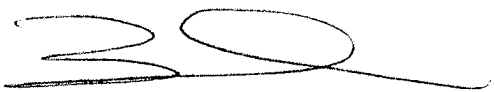
Brandon Ortiz, Ace Messenger & Attorney
Service, Inc.
901 F Street, Suite 150
Sacramento, California 95814
(916) 447-4000
Reg. #: 20006-0000994/Sacramento

- a. Fee for service: \$
- b. ☐ Not a registered California process server
- c. ☐ Exempt from registration under B&P 22350(b)
- d. ☒ Registered California process server

8. ☐ I am a California sheriff, marshal, or constable and I certify that the foregoing is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Date: March 5, 2008


(Signature)

PROOF OF SERVICE - SUMMONS AND COMPLAINT

ATTACHED LIST OF DOCUMENTS

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

GENERAL ELECTRIC CAPITAL CORPORATION v. JAMES
S. KOENIG, an individual, et al.

CASE NUMBER: 08 C 1199

1. UNITED STATES DISTRICT COURT – NORTHERN DISTRICT
OF ILLINOIS LOCAL RULE 3.2 DISCLOSURE OF PLAINTIFF
GENERAL ELECTRIC CAPITAL CORPORATION;
2. UNITED STATES DISTRICT COURT – NORTHERN DISTRICT
OF ILLINOIS ATTORNEY APPEARANCE FORM;